

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATHAN LORING,
Petitioner,

v.

ALICE PAYNE,
Respondent.

) Case No. C05-1599-JLR-JPD

) ORDER

Petitioner Nathan Loring, an inmate at the McNeil Island Corrections Center in Steilacoom, Washington, has filed a *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus. Dkt. No. 4. By orders dated May 15, 2006 (Dkt. No. 17) and October 30, 2006 (Dkt. No. 20), this Court stayed petitioner's § 2254 petition and ordered that it be held in abeyance, enabling petitioner to make every effort to properly exhaust his claims in state court. The present matter comes before the Court on petitioner's "Motion for Supplemental Response and Memorandum of Law by Petitioner to Respondent's Answer." Dkt. No. 22. It appears that petitioner has presented his previously unexhausted claims to the Washington Supreme Court. *See* Dkt. No. 22 at 3-10. However, because the Washington appellate courts have yet to rule on the matter, this Court ORDERS as follows:


(1) The Court does not rule on petitioner's "Motion for Supplemental Response and Memorandum of Law by Petitioner to Respondent's Answer" (Dkt. No. 22). While the Court

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01 intends to provide petitioner with the opportunity to file the response he speaks of, it is
02 premature to do so at this time. Instead, petitioner is ORDERED to advise the Court of the
03 Washington Supreme Court's ruling on his motion for discretionary review within **fifteen (15)**
04 days of that ruling. At such time, the Court will set a expedited briefing schedule in this matter.
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06 (2) The Court is directed to send a copy of this order to the parties and to the
07 Honorable James L. Robart.

08 DATED this 19th day of January, 2007.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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